THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.19613 OF 2005

Dated 4th January, 2007

Between:

K.Mohan Rao …Petitioner

And

The Government of Andhra Pradesh
Rep. By its Secretary, Department of
Home and another …Respondents

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O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties.

The petitioner while working as a Court Officer in the High Court of Andhra Pradesh suffered heart attack on 01-05-2004 and was shifted to a hospital and surgery was performed on him on 05-05-2004. He was discharged from hospital on 16-05-2004. According to the petitioner, he incurred an expenditure of Rs.1,42,884/- and claimed reimbursement of the amounts from the Government. The respondents sanctioned an amount of Rs.80,000/- and declined payment of the balance amount on the ground that there was a ceiling limit of Rs.1,00,000/- and there was also a rule of deduction of 20% from the ceiling limit.

We have heard learned counsel for the parties. The petitioner has relied on an order of this Court, dated 03-02-1997, in W.P.No.26210 of 1995. We are also told that the State filed an appeal before the Supreme Court against the order passed in the said Writ Petition and the appeal had been dismissed.

This Court in W.P.No.26210 of 1995 held-

> *"In view of the above, it has to be declared that the restrictions as in G.O.Ms.No.184 or any other order of the Government upon the reimbursement of the medical expenses to the Government employees are not applicable to the employees of the High Court*

unless they are made applicable by the Chief Justice of the Court. The impugned Government Order rejecting the claim of the petitioner in the aforementioned letter of the second respondent herein thus is wholly without jurisdiction; the same is accordingly quashed. Respondents are directed to consider the claim of the petitioner in the light of the rules unaffected by the Government Orders imposing restrictions upon the reimbursement of the medical attendance/treatment costs by various Government Orders, strictly in accordance with the Andhra Pradesh Integrated Medical Attendance Rules, 1972 as modified from time to time in consultation with the Chief Justice of the High Court. In view of the directions aforementioned, no further discussion of the issues raised by the petitioner herein is required.

In the result, the writ petition is allowed to the extent indicated above with costs."

In this view of the matter, the writ petition is allowed and the respondents are directed to reimburse the amounts spent by the petitioner. No order as to costs.

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(Bilal Nazki,J)

Dated 4th January, 2007

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(Nooty Ramamohana Rao,J)

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